



Davis Wright  
Tremaine LLP

Suite 800  
1919 Pennsylvania Avenue N.W.  
Washington, D.C. 20006-3401

**Ryan M. Appel**  
202-973-4292 tel  
202-973-4492 fax

ryanappel@dwt.com

July 29, 2019

**VIA ECFS**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Room TW-A325  
Washington, DC 20554

**Re: Crown Castle Fiber LLC v. Commonwealth Edison Company  
Proceeding Number 19-169  
Bureau ID Number EB-19-MD-004**

Ms. Dortch:

Pursuant to 47 C.F.R. § 1.730(c), Crown Castle Fiber LLC submits the attached Objections to Commonwealth Edison Company's First Set of Interrogatories filed in the above-referenced proceeding.

Sincerely,

Davis Wright Tremaine LLP

A handwritten signature in blue ink that reads "Ryan Appel".

Ryan M. Appel

cc: Service List

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

CROWN CASTLE FIBER LLC,

*Complainant,*

v.

COMMONWEALTH EDISON COMPANY,

*Respondent.*

Proceeding Number 19-169

Bureau ID Number EB-19-MD-004

**COMPLAINANT’S OBJECTIONS TO RESPONDENT’S FIRST SET OF  
INTERROGATORIES**

Complainant Crown Castle Fiber LLC, pursuant to the Notice of Formal Complaint issued June 21, 2019 by the Commission’s Enforcement Bureau in this proceeding and pursuant to Section 1.730(c) of the Commission’s Rules, submits the following objections in response to Commonwealth Edison Company’s (“ComEd”) First Set of Interrogatories.

**GENERAL OBJECTIONS**

A. Crown Castle objects generally to the Interrogatories as set forth below (the “General Objections”). Crown Castle will also assert specific objections to each Interrogatory as appropriate. To the extent that Crown Castle responds to Interrogatories to which it objects, such objections are not waived and are expressly reserved.

B. Crown Castle objects to these Interrogatories to the extent that they seek discovery of any matter that is not relevant to the material facts in dispute in the pending proceeding. *See* 47 C.F.R. § 1.730.

C. Because ComEd's Interrogatories specify that all of the information requested pertains to ComEd's Answer to Crown Castle's Complaint, Crown Castle objects to ComEd's Interrogatories to the extent they do not pertain to ComEd's Answer.

D. Because ComEd's Interrogatories specify that ComEd is not seeking information that is available from any source other than Crown Castle, Crown Castle objects to the Interrogatories to the extent they seek information that is available from a source other than Crown Castle, including information that is publicly available or already in ComEd's possession, and therefore would impose no greater burden for ComEd to obtain than for Crown Castle to provide.

E. Crown Castle objects to these Interrogatories to the extent that they seek information protected by the attorney-client privilege, attorney work-product, or any other applicable privilege. In particular, ComEd defines "Complainant" and "Crown Castle" to mean "any persons associated with it, including, but not limited to . . . attorneys . . . ." Crown Castle objects to this definition to the extent that it seeks privileged information. The inadvertent disclosure of privileged information shall not constitute a waiver of any applicable privilege.

F. Crown Castle objects to these Interrogatories to the extent that they seek confidential and/or proprietary information. Subject to and without waiving said objection, Crown Castle will produce responsive information subject to an appropriate protective order regarding the confidentiality of such information, mutually agreeable to the parties in this action.

G. Crown Castle objects to these Interrogatories to the extent that they seek the disclosure of information not in Crown Castle's possession, custody, or control.

H. Crown Castle objects to these Interrogatories to the extent that they are vague, ambiguous, overbroad, unduly burdensome, unreasonably duplicative, and oppressive, or seek documents that are not reasonably calculated to lead to the discovery of admissible evidence in this action.

### **INTERROGATORIES**

**INTERROGATORY NO. 1:** Identify every correspondence Crown Castle has had with the Illinois Commerce Commission regarding the issues raised in the Complaint.

**OBJECTION:** In addition to its general objections, Crown Castle objects to Interrogatory No. 1 on the grounds that it seeks information that is not relevant to claims or defenses in this case. Crown Castle's correspondence with the Illinois Commerce Commission is irrelevant.

**INTERROGATORY NO. 2:** Describe with particularity each communications service provided by Crown over each facility attached to ComEd poles, whether wireline or wireless. If the services provided differ by Crown facility, disaggregate the services to each individual Crown facility.

**OBJECTION:** In addition to its general objections, Crown Castle objects to Interrogatory No. 2 on the grounds that it seeks information that is not relevant to Crown Castle's claims and is overly broad and unduly burdensome. The term "communications service" is not defined and is not relevant under 47 U.S.C. § 224. In addition, even if Crown Castle assumes that ComEd intended to ask for a description of "telecommunications services," a description of each telecommunication service

provided by Crown Castle over each of its facilities is not relevant and is overly broad.

In addition, “over each facility attached to ComEd poles” is vague and ambiguous.

**INTERROGATORY NO. 3:** Identify every Illinois Commerce Commission authorization Crown Castle currently in effect which authorizes Crown Castle to provide the services Crown Castle provides using Crown Castle’s attachments to ComEd’s distribution poles.

**OBJECTION:** In addition to its general objections, Crown Castle objects to Interrogatory No. 3 on the grounds that it seeks information that is not relevant to Crown Castle’s claims and is overly broad. Subject to and without waiving its objections, Crown Castle will respond to Interrogatory No. 3.

**INTERROGATORY NO. 4:** Identify with particularity Crown’s customers for each service provided by Crown over each facility attached to ComEd poles, and state whether service is provided pursuant to tariff. If the service is provided pursuant to tariff, identify the tariff. If the service is provided pursuant to contract, identify any regulatory contract approvals.

**OBJECTION:** In addition to its general objections, Crown Castle objects to Interrogatory No. 4 on the grounds that it seeks information that is not relevant to Crown Castle’s claims. The identity of Crown Castle’s customers is irrelevant. In addition, whether Crown Castle’s telecommunications service is provided via tariff assumes a legal conclusion and is irrelevant. In addition, to the extent it asks to identify any regulatory contract approvals, it assumes a legal conclusion and is irrelevant. In addition, Crown Castle objects that Interrogatory No. 4 seeks information that is confidential and

proprietary. Crown Castle also objects to Interrogatory No. 4 because it seeks information that is publicly available.

Respectfully submitted,

/s/ T. Scott Thompson  
T. Scott Thompson  
Ryan M. Appel  
Davis Wright Tremaine LLP  
1919 Pennsylvania Avenue, N.W., Suite 800  
Washington, D.C. 20006  
202-973-4200 (Main Phone)  
202-973-4499 (Main Fax)  
scottthompson@dwt.com (Email)

Attorneys for Crown Castle Fiber LLC

Robert Millar  
Rebecca Hussey  
Crown Castle Fiber LLC

Date submitted: July 29, 2019

**RULE 1.721(m) VERIFICATION**

I have read Complainant's Objections to Respondent's First Set of Interrogatories filed by Crown Castle Fiber LLC on July 29, 2019 in the above-referenced proceeding. To the best of my knowledge, information and belief formed after reasonable inquiry, the Objections are well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law. The Objections are not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of the proceeding.

Respectfully submitted,

/s/ T. Scott Thompson

T. Scott Thompson

Davis Wright Tremaine LLP

1919 Pennsylvania Avenue, N.W., Suite 800

Washington, D.C. 20006

202-973-4200 (Main Phone)

202-973-4499 (Main Fax)

scottthompson@dwt.com (Email)

Attorney for Crown Castle Fiber LLC

Date submitted: July 29, 2019

## **CERTIFICATE OF SERVICE**

I hereby certify that on July 29, 2019, I caused a copy of the foregoing Complainant's Objections to Respondent's First Set of Interrogatories to be served on the following (service method indicated):

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, DC 20554  
(ECFS)

Bradley R. Perkins  
Assistant General Counsel, Regulatory  
ComEd  
10 South Dearborn Street  
49<sup>th</sup> Floor  
Chicago, IL 60603  
[Bradley.Perkins@exeloncorp.com](mailto:Bradley.Perkins@exeloncorp.com)  
(E-Mail)

Lisa Saks  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554  
[Lisa.Saks@fcc.gov](mailto:Lisa.Saks@fcc.gov)  
(E-Mail)

Thomas B. Magee  
Keller and Heckman LLP  
1001 G Street, NW  
Suite 500 West  
Washington, DC 20001  
[Magee@khlaw.com](mailto:Magee@khlaw.com)  
(E-mail)

Anthony J. DeLaurentis  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554  
[Anthony.DeLaurentis@fcc.gov](mailto:Anthony.DeLaurentis@fcc.gov)  
(E-Mail)

Timothy A. Doughty  
Keller and Heckman LLP  
1001 G Street, NW  
Suite 500 West  
Washington, DC 20001  
[Doughty@khlaw.com](mailto:Doughty@khlaw.com)  
(E-Mail)

/s/ T. Scott Thompson

T. Scott Thompson